

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

JASON CANTRELL #397429,

Plaintiff,

NO. 1:18-cv-1163

v

HON. GORDON J. QUIST

MICHIGAN DEPARTMENT OF  
CORRECTIONS, *et al.*,

MAG. PHILLIP J. GREEN

Defendants.

---

Exhibit B

Gary Stump Deposition Transcript  
Taken: March 13, 2020

CANTRELL v. HEILIG, ET AL

DEPOSITION OF GARY STUMP

UNITED STATES DISTRICT COURT

IN THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

JASON CANTRELL,

Plaintiff,

v

File No. 1:18-cv-1163

HON. GORDON J. QUIST

ANTHONY HEILIG, SCOTT ARP,

MAG. PHILLIP J. GREEN

Defendants.

/

DEPOSITION OF GARY STUMP

Taken by the Plaintiff on the 13th day of March, 2020, at  
1727 West Bluewater Highway, Ionia, Michigan, at 2:00 p.m.

APPEARANCES:

For the Plaintiff: MR. DANIEL E. MANVILLE (P39731)  
Clinical Professor  
Michigan State University College of Law  
648 North Shaw Lane, Room 216D  
East Lansing, Michigan 48824  
(517) 432-6866

For the Defendant: MS. KRISTIE ANN SPARKS (P79177)  
Assistant Attorney General  
Department of Attorney General  
PO Box 30217  
Lansing, Michigan 48909  
(517) 335-3055

Also Present: Breanne Gilliam, Amanda Keshish

RECORDED BY: Marcy A. Klingshirn, CER 6924  
Certified Electronic Recorder  
Network Reporting Corporation  
Firm Registration Number 8151  
1-800-632-2720

1	TABLE OF CONTENTS	
2		PAGE
3	Examination by Mr. Manville and Ms. Keshish. . . . .	3
4	Q* = Questions asked by Mr. Manville	
5	Examination by Ms. Sparks. . . . .	21
6		
7		
8	EXHIBIT INDEX	
9		PAGE
10	Deposition Exhibit 1 marked . . . . .	3
11	(8/19/17 Critical Incident Report)	
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

CANTRELL v. HEILIG, ET AL

DEPOSITION OF GARY STUMP

1 Ionia, Michigan

2 Friday, March 13, 2020 - 1:44 p.m.

3 (Deposition Exhibit 1 marked)

4 REPORTER: Do you solemnly swear or affirm the  
5 testimony you're about to give will be the whole truth?

6 MR. STUMP: Yes, I do.

7 GARY STUMP

8 having been called by the Plaintiff and sworn:

9 EXAMINATION

10 BY MR. MANVILLE AND MS. KESHISH:

11 Q Would you state your full name for the record and spell it,  
12 please?

13 A Gary Alfred Stump, G-a-r-y A-l-f-r-e-d S-t-u-m-p.

14 Q Thank you. My name is Amanda Keshish and I am a law student  
15 representing the Plaintiff, Jason Cantrell, under the  
16 supervision of my professor, Dan Manville.

17 A Okay.

18 Q Have you ever had a deposition taken before?

19 A No.

20 Q Okay. So before we begin, I would like to share a little  
21 bit about how depositions work and then go over a few ground  
22 rules in order to keep the record as clean as possible. So  
23 does that sound good?

24 A Yes.

25 Q So this deposition is an informal court proceeding. There

1           **from both prisoners and staff.**

2   Q       And were you the sergeant on August 19th, 2017, in housing  
3           unit two?

4   A       **Yes.**

5   Q       And what is your height and weight?

6   A       **5'8", about 180 probably.**

7   Q       And is that a same or similar weight to that of August 2017?

8   A       **Yes.**

9   Q       Okay. So now moving on to the incident that happened --

10   A       **Okay.**

11   Q       -- on August 19th, 2017. So as you already stated you were  
12           the housing unit two sergeant that night?

13   A       **Yes.**

14   Q       And who were the other supervisors in the housing unit that  
15           night prior to you responding to Cantrell's cell?

16   A       **There were no other supervisors.**

17   Q       And do you know if an officer is required after a cell  
18           shakedown to leave the room in a similar condition as they  
19           found it?

20   A       **Yes; yes.**

21   Q       So is there an MDOC policy that states this?

22   A       **Yes.**

23   Q       And were you aware that Officer Heilig did not leave  
24           Cantrell's cell in the condition as it was before he  
25           conducted the search?

1   **A**    **No.**

2   **Q**    Do you agree that this is an -- if the cell was not left in  
3           the same or similar position, would you agree that this  
4           would be in violation of MDOC policy?

5   **A**    **Yes.**

6   **Q**    Were you ever informed that the plaintiff wanted to speak to  
7           you after Heilig searched plaintiff's cell?

8   **A**    **No.**

9   **Q**    Did you see the plaintiff exit his cell when the doors  
10          opened for medication lines later that afternoon/evening?

11 **A**    **I don't recall if I directly observed it. I don't believe I**  
12 **directly observed him come out, no.**

13 **Q**    And so did you ever get a chance to speak with him prior to  
14          the incident?

15 **A**    **I don't -- I don't recall speaking to him prior to the**  
16 **incident, no.**

17 **Q**    Did you ever hear Heilig say to plaintiff, "Keep it up and  
18          you're going to get what's coming to you"?

19 **A**    **No.**

20 **Q**    So on August 19th, 2017, did there come a time where you  
21          assisted Officer Heilig in housing unit two?

22 **A**    **Yes.**

23 **Q**    How did you become aware that your presence was being  
24          requested?

25 **A**    **There was a prisoner on the upper level that -- that refused**

1           **to return back to his cell.**

2    Q       So was that over the radio or did you hear it yourself?

3    A       **I don't -- I don't recall exactly how, no. It may have been**  
4           **over the radio.**

5    Q       Do you remember if you were in the housing unit when you  
6           received that call?

7    A       **It seemed like I was in the unit on the base area at the**  
8           **time.**

9    Q       And why did you respond?

10   A       **Why did I respond?**

11   Q       Yes.

12   A       **Generally if there's an incident that involves a prisoner**  
13           **that may be being disruptive, a supervisor should be there.**  
14           **I mean, that -- I don't want to say that that's my personal**  
15           **opinion, but that's -- that's my -- my style of supervision.**  
16           **If the staff -- if the line staff need my help, then I'm**  
17           **there.**

18   Q       And did other officers respond to the plaintiff's cell?

19   A       **Yes.**

20   Q       Who were those officers?

21   A       **I do not recall.**

22   Q       How many officers were working in the housing unit at the  
23           time of the incident?

24   A       **The regular staff were there which would have been four, and**  
25           **if I -- if I recall correctly, we had put an additional**

1        **couple of officers, additional staff in there.**

2        Q        And what was your understanding of what was happening up at  
3        the plaintiff's cell prior to your arrival?

4        A        **They were just running med line.**

5        Q        Okay.

6        A        **They were -- yeah, they were releasing prisoners to come out  
7        to get their medication and then to go back to their cells.**

8        Q        So once you received this call and you were on the base  
9        level, what happened next? What did you do?

10      A        **I responded up to the cell.**

11      Q        Okay. And what happened after you arrived at the  
12      plaintiff's cell? What other officers were already there?

13      A        **I don't recall.**

14      Q        What other officers arrived after you got to the cell?

15      A        **I don't recall.**

16      Q        Do you remember if the plaintiff's bunkie was inside the  
17      cell?

18      A        **Yes, he was.**

19      Q        Do you remember what Officer Heilig was saying?

20      A        **No.**

21      Q        Do you remember what Officer Arp was saying?

22      A        **No.**

23      Q        Do you remember what other officers were saying?

24      A        **No.**

25      Q        What did you say when you arrived at the cell?



1    **A**     I -- I can't quote what I said. I -- I can't quote.

2           Generally -- I can't quote what I -- what I said. Generally  
3           if we have a prisoner -- I -- I -- I can't quote what I  
4           said. I do not recall.

5    **Q**     And do you remember what the plaintiff was saying?

6    **A**     No; no.

7    **Q**     And did the plaintiff's cell mate say anything?

8    **A**     I don't recall.

9    **Q**     And what was the plaintiff's behavior when you arrived at  
10           the cell?

11   **A**     He was -- he was upset and I believe there was a strong odor  
12           of alcohol coming from him, coming from his breath. But he  
13           was upset and kind of reeked of alcohol.

14   **Q**     Did you ever see a bag of alcohol in the room or anything?

15   **A**     I don't recall.

16   **Q**     Did you aid Officer Heilig in removing plaintiff from his  
17           cell?

18   **A**     I -- I remember being at the door and I remember handcuffs  
19           going on the prisoner. I don't recall who put them on and I  
20           don't -- I don't recall if I -- if I had verbally, you know,  
21           if I'd given any instructions.

22   **Q**     That was my next question. Did you give any verbal commands  
23           to the plaintiff?

24   **A**     I don't recall. More than likely I did, but I can't say  
25           that I did. Generally I -- I do. I'm going to try to take